

Remarks

Claims 1-6 are pending herein. Claims 5 and 6 are withdrawn from consideration as being directed to a non-elected invention.

By this Amendment, claim 2 and the specification have been amended to change "SEQ. ID. No. 1" to --SEQ. ID. No. 4-- and "SEQ. ID. No. 2" to --SEQ. ID. No. 3--.

Claim 1 has been amended to change the term "step (a)" to --step (1)-- for consistency reasons.

In the Office Action, the specification is objected to, and claims 1-4 are rejected under 35 U.S.C. §102(a) as being anticipated by Saxena et al. (Journal of Allergy and Clinical Immunology, May 2003) ("the Saxena article").

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the objection and rejection set forth in the Office Action.

I. Objection to the Specification

The disclosure is objected to because of the following informality: the sequence listing filed with the instant application contains a single sequence – SEQ ID No: 1. The specification describes two primer sequences designated SEQ ID Nos: 1 and 2. These primer sequences appear to correspond to SEQ ID Nos: 3 and 4, respectively, of the parent case, U.S. Application No. 10/102,731. The Examiner suggests that the identifier used for the instant primer sequences be made consistent with the parent application to avoid confusion.

The specification has been amended to change change "SEQ. ID. No. 1" to --SEQ. ID. No. 4-- and "SEQ. ID. No. 2" to --SEQ. ID. No. 3--.

Applicants respectfully request that the objection be withdrawn.

II. Rejection under 35 U.S.C. §102(a)

As noted above, claims 1-4 are rejected under 35 U.S.C. §102(a) as being anticipated by Saxena et al. (Journal of Allergy and Clinical Immunology, May 2003) ("the Saxena article").

According to 35 U.S.C. §102(a), a person shall be entitled to a patent unless "(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent."

“Applicant’s disclosure of his or her own work within the year before the application filing date cannot be used against him or her under 35 U.S.C. §102(a).”

It is the understanding of the undersigned that the portions of the Saxena article cited in the Office Action against claims 1-4 are solely the work of the coinventors of the instant application. As evidence of this, Applicants submit the Declaration filed with the instant application wherein the Applicants state that they are the inventors of the claimed subject matter.

Therefore, because the relevant portions of the Saxena article constitute the work solely of the coinventors of the instant application, Applicants respectfully submit that the Saxena article is not an effective prior art reference against the instant claims.

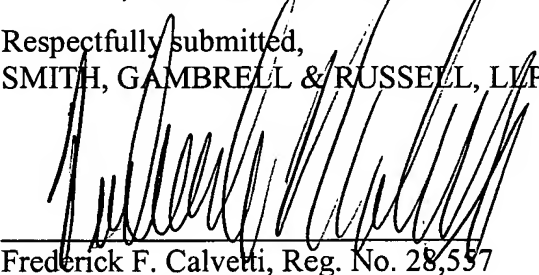
III. Conclusion

In view of the amendments and remarks herein, Applicants respectfully request that the objection and rejection be withdrawn, and that claims 1-4 be allowed.

If any additional fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 041144.0071CIP.

Respectfully submitted,
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Enclosures: (1) Petition for Extension of Time
(2) Check for the Sum of \$120